

### **REMARKS**

Claims 1-30 are pending in this application. Claims 1-17 are under consideration. Claims 18-30 are withdrawn. Claim 1 is amended herein. Reconsideration is requested based on the foregoing amendment and the following remarks.

#### **Response to Arguments:**

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection.

The Office Action asserts in section 7, in the second full paragraph at page 10, that:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the NIT is not rewritten in the CATV station) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 1 has consequently been amended to recite "wherein said subscriber terminals are provided each in one of subscriber homes," i.e., the NIT information is replaced in the subscriber home, in accord with the Examiner's implied suggestion. The Examiner's suggestion is appreciated. Neither Kenner nor Oishi teaches, discloses, or suggests replacing the NIT information in the subscriber home. Further reconsideration is thus requested.

#### **Claim Rejections - 35 U.S.C. § 103:**

Claims 1-4, 13, 15, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,956,716 to Kenner et al. (hereinafter "Kenner") in view of U.S. Patent Publication No. 2002/0118608 to Oishi (hereinafter "Oishi"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The last clause of claim 1 recites:

Wherein said subscriber terminals are provided each in one of subscriber homes.

Neither Kenner nor Oishi teaches, discloses, or suggests "wherein said subscriber terminals are provided each in one of subscriber homes," as recited in claim 1. In Oishi, rather,

the NIT rewriting portion 42 rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41. In particular, as described at paragraph [0093]:

The NIT rewriting portion 42 rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41.

Since, in Oishi, the NIT rewriting portion 42 rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41, Oishi shows no "subscriber terminals are provided each in one of subscriber homes," as recited in claim 1.

In Oishi, moreover, the NIT rewriting portion 42 rewrites a satellite delivery system descriptor described in the NIT to a cable delivery system descriptor. In particular, as shown in Figs. 7 and 12, and described at paragraph [0094]:

Specifically, the NIT rewriting portion 42 rewrites a satellite delivery system descriptor (FIG. 7) described in the NIT to a cable delivery system descriptor as shown in FIG. 12.

Since, in Oishi, the NIT rewriting portion 42 rewrites a satellite delivery system descriptor described in the NIT to a cable delivery system descriptor, Oishi shows no "subscriber terminals are provided each in one of subscriber homes," as recited in claim 1.

Furthermore, the NIT rewriting portion 42 of Oishi is incorporated in the CATV station 23, as shown in Fig. 11 and others. Consequently, the NIT information is rewritten at the CATV station 23, and then the distribution broadcast signal is distributed.

The eighth clause of claim 1 recites:

A receiving section, if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal.

Neither Kenner nor Oishi teach, disclose, or suggest "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the

subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1. The Office Action acknowledges graciously in section 5, in the second full paragraph at page 4, that Kenner shows no receiving section, and attempts to compensate for this deficiency of Kenner by combining Kenner with Oishi. Oishi, however, describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal" either, and thus cannot make up for the deficiencies of Kenner with respect to claim 1.

The front-end portion 60 of Oishi, rather, to which the Office Action analogizes the recited "receiving section," extracts the broadcast signal of the channel M transmitted at the frequency thus supplied and supplies it to the demodulating circuit 62 if the current reception frequency is not equal to the frequency of the channel M, that is, if the broadcast signal of the channel M has not been received. In particular, as described at paragraph [0158]:

If it is determined in step S25 that the current reception frequency is not equal to the frequency of the channel M, that is, it is determined that the broadcast signal of the channel M has not been received, the controller 80 goes to step S26 to supply ts\_id to the front end portion 60 together with the frequency recognized in step S25, whereby the tuner 61 of the front end portion 60 extracts the broadcast signal of the channel M transmitted at the frequency thus supplied, and supplies it to the demodulating circuit 62. The separator 65 separates the transport stream of ts\_id supplied and supplies it to the descrambler 66.

Since the front-end portion 60 of Oishi extracts the broadcast signal of the channel M transmitted at the frequency thus supplied and supplies it to the demodulating circuit 62, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT

information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The front-end portion 60 of Oishi, moreover, includes the parts from the tuner 61 to the separator 65 shown in Fig. 15, as described at paragraph [0129]. The tuner 61 of Oishi extracts a broadcast signal of a channel indicated by a controller 80 from the CATV broadcast signals supplied through the cable television network 24, and outputs the broadcast signal thus extracted to a demodulating circuit 62. In particular, as described at paragraph [0126]:

A tuner 61 extracts a broadcast signal of a channel indicated by a controller 80 from the CATV broadcast signals supplied through the cable television network 24, and outputs the broadcast signal thus extracted to a demodulating circuit 62.

Since the tuner 61 of Oishi extracts the broadcast signal of the channel M transmitted at the frequency thus supplied and supplies it to the demodulating circuit 62, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The demodulating circuit 62 of Oishi, moreover, outputs the demodulated broadcast signal to an error correction circuit 63. In particular, as described further at paragraph [0126]:

The demodulating circuit 62 subjects the input broadcast signal to 64-value QAM demodulation, and then outputs the broadcast signal thus demodulated to an error correction circuit 63.

Since the demodulating circuit 62 of Oishi outputs the demodulated broadcast signal to an error correction circuit 63, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The error correction circuit 63 of Oishi, moreover, corrects error information of transport streams and supplies them to a TSMF packet achieving portion 64 and a separator 65. In particular, as described further at paragraph [0126]:

The error correction circuit 63 corrects error information of transport streams thus input, and supplies them to a TSMF packet achieving portion 64 and a separator 65.

Since the error correction circuit 63 of Oishi corrects error information of transport streams and supplies them to a TSMF packet achieving portion 64 and a separator 65, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The TSMF packet achieving portion 64 of Oishi, moreover, extracts TSMF packets from the signals from the error correction circuit 63, and supplies them to the controller 80. In particular, as described further at paragraph [0127]:

The TSMF packet achieving portion 64 extracts TSMF packets from the signals from the error correction circuit 63, and supplies them to the controller 80.

Since the TSMF packet achieving portion 64 of Oishi extracts TSMF packets from the signals from the error correction circuit 63, and supplies them to the controller 80, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The separator 65 of Oishi, moreover, extracts TSMF packets from the signals from the error correction circuit 63, and supplies them to the controller 80. In particular, as described further at paragraph [0128]:

Under the control of the controller 80, the separator 65 separates a prescribed transport stream from the signals from the error correction circuit 63, and outputs it to a descrambler 66.

Since the separator 65 of Oishi extracts TSMF packets from the signals from the error correction circuit 63, and supplies them to the controller 80, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The controller 80 of Oishi, moreover, reads the content of the NIT and stores it into EEPROM 76 when the version number has changed, that is, the NIT has been renewed, not when "the third digital broadcast distribution signal is discriminated to be transmitted from a

different one of the distribution centers from the local distribution center" as recited in claim 1. In particular, as described at paragraph [0155]:

In step S23, the controller 80 checks the content of the NIT. The controller 80 properly monitors the version number of the NIT described in the PSI stored in a prescribed transport packet through the demultiplexer 67. When the version number has changed, that is, the NIT has been renewed, the controller 80 reads the content of the NIT and stores it into EEPROM 76. That is, in step S23, the controller 80 checks the content of the NIT stored in EEPROM 76.

Since the controller 80 of Oishi reads the content of the NIT and stores it into EEPROM 76 when the version number has changed, that is, the NIT has been renewed, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The EEPROM 76 of Oishi, moreover, retains "a result of a judgment made as to whether or not reception of a CATV broadcast signal is allowed" when the receiver 31 is to receive the CATV broadcast signal, and so Oishi does not teach or suggest the EEPROM 76 retaining a channel distribution plan.

The controller 80 of Oishi, moreover, determines whether the current reception frequency in the front end portion 60 is equal to the frequency of the broadcast signal of the channel M, not whether "the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center" as recited in claim 1. In particular, as described at paragraph [0157]:

In step S25, the controller 80 achieves the cable delivery system descriptor (FIG. 12) combined before the service list descriptor detected in step S24 to recognize the frequency of the broadcast signal of the channel M, and also determines whether the current reception frequency in the front end portion 60 is equal to the frequency thus recognized.

Since the controller 80 of Oishi determines whether the current reception frequency in the front end portion 60 is equal to the frequency of the broadcast signal of the channel M, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The controller 80 of Oishi, moreover, supplies the ts\_id to the front end portion 60 together with the frequency of the broadcast signal of the channel Mt if the broadcast signal of the channel M has not been received, not when "the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center" as recited in claim 1. In particular, as described at paragraph [0158]:

If it is determined in step S25 that the current reception frequency is not equal to the frequency of the channel M, that is, it is determined that the broadcast signal of the channel M has not been received, the controller 80 goes to step S26 to supply ts\_id to the front end portion 60 together with the frequency recognized in step S25, whereby the tuner 61 of the front end portion 60 extracts the broadcast signal of the channel M transmitted at the frequency thus supplied, and supplies it to the demodulating circuit 62. The separator 65 separates the transport stream of ts\_id supplied and supplies it to the descrambler 66.

Since the controller 80 of Oishi supplies the ts\_id to the front end portion 60 together with the frequency of the broadcast signal of the channel Mt if the broadcast signal of the channel M has not been received, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third



digital broadcast distribution signal," as recited in claim 1. Thus, even if Kenner and Oishi were combined as proposed in the Office Action, claim 1 would not result.

The Office Action asserts in section 5, in the first full paragraph at page 6, that:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have subscriber terminal as taught by Oishi to the video delivery system of Kenner in order to enable a redistributing source itself to easily control use of services to be supplied to viewers in a redistributing system of digital satellite broadcasts (see paragraph 0013).

Kenner, to the contrary, already easily controls use of services to be supplied to viewers. Kenner, in fact, identifies the problem to be solved by his invention as ensuring that content is delivered without delay or interruption to all users requesting it. In particular, as described at column 2, lines 58-63:

Accordingly, a need exists for a system capable of providing improved access to audio/video content on the Internet or another general purpose network. Such a system would take steps to ensure that content is delivered without delay or interruption to all users requesting it.

Kenner is complete in itself. It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would not have been motivated to modify Kenner as proposed in the Office Action, since Kenner already easily controls use of services to be supplied to viewers. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, 4, 13, 15, and 17 depend from claim 1 and add additional distinguishing elements. Claims 2, 3, 4, 13, 15, and 17 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 13, 15, and 17 is earnestly solicited.

Claims 5-12, 14, and 16:

Claims 5-12, 14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenner and Oishi in view of U.S. Patent Publication No. 2004/0205339 to Medin (hereinafter "Medin"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 5-12, 14, and 16 depend from claim 1 and add additional distinguishing elements. Neither Kenner nor Oishi teach, disclose, or suggest "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the

local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," or "wherein said subscriber terminals are provided each in one of subscriber homes," as discussed above with respect to the rejection of claim 1. Medin does not either, and thus cannot make up for the deficiencies of either Kenner or Oishi with respect to claims 5-12, 14, or 16. Claims 5-12, 14, and 16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5-12, 14, and 16 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-17 are allowable over the cited references. Allowance of all claims 1-17 and of this entire application is therefore respectfully requested.

If there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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